

### REMARKS

Claims 1 – 20 remain in this application. Claims 1 and 4 have been amended. Reconsideration of this application in view of the amendments noted is respectfully requested.

Claims 1 and 4 have been amended to include the limitation that the (meth)acrylic ester (B1) has two or more (meth)acryl groups or has one or more glycidyl groups or vinyl groups in the molecule thereof. Support for this amendment can be found in the specification on page 8, line 33 through page 9, line 4. Claims 1 and 4 have also been amended to include the limitation that the aliphatic polyester (A) is crosslinked with the (meth)acrylic ester (B1) and/or glycidyl ester (B2). Support for this amendment can be found in the specification on page 8, lines 27 – 32.

In the Office Action, claims 1 and 2 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending application no. 11/629,264. Also, claims 9 – 11 and 15 – 20 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 9 and 10 of copending application no. 11/629,264.

With respect to the double patenting rejections, since the rejections are provisional, no further action is required until the double patenting rejection is the only remaining rejection in the present application and/or the rejection is no longer provisional. Applicant reserves the right to address the double patenting rejections and/or file a terminal disclaimer at a later date if necessary.

Claims 1 – 7 and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Wang et al. (U.S. Patent No. 6,075,118, hereinafter “Wang”). Applicant respectfully traverses this rejection.

With respect to independent claims 1 and 4, Wang discloses a composition including 2-hydroxyethyl methacrylate. However, Wang does not disclose or fairly suggest a biodegradable polyester resin composition including a (meth)acrylic ester (B1) having two or more (meth)acryl groups or having one or more glycidyl groups or vinyl groups in the molecule thereof, as claims 1 and 4 require. As described in the specification on page 8, line

36 through page 9, line 4, the composition of <sup>the</sup> presently claimed invention has the advantages that such a (meth)acrylic ester compound is highly reactive with the biodegradable resin and has a lower residual monomer content, a relatively low toxicity, and a lower possibility of colorization of the resin. These advantages are not disclosed or reasonably predictable from the disclosure of Wang.

For these reasons, independent claims 1 and 4 are patentable over Wang. Claims 2 and 3, depending from claim 1, and claims 5 – 7 and 12, depending from claim 4, are also patentable over Wang. Accordingly, applicant respectfully requests that the Section 102(b)/103(a) rejection of claims 1 – 7 and 12 as being anticipated by or obvious over Wang be withdrawn.

Claims 8 – 11 and 13 – 20 were rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Deckwer et al. (U.S. Patent No. 6,150,490, hereinafter “Deckwer”). Applicant respectfully traverses this rejection.

Applicant incorporates by reference the arguments made above with respect to the patentability of claim 1. Based upon those arguments, claim 1 is patentable. Therefore, claims 8 – 11 and 13 – 20, depending directly or indirectly from claim 1, are also patentable.

Furthermore, Deckwer does not disclose or fairly suggest a biodegradable polyester resin composition as claimed in claim 1. Therefore, claim 1 is patentable over Deckwer, and claims 8 – 11 and 13 – 20 are also patentable over Deckwer due to their dependency from claim 1.

For these reasons, applicant respectfully requests that the Section 102(b)/103(a) rejection of claims 8 – 11 and 13 – 20 as being anticipated by or obvious over Deckwer be withdrawn.

This amendment and request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to place this application in condition for allowance. Favorable action is requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "J. Gajewski", is written over a horizontal line.

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